

UNITED STATES DISTRICT COURT

for the
District of North Dakota

United States of America

v.

Richard Waldo Jr.

Case No. 2:11-mj-45

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 15, 2011, in the county of Grand Forks in the
District of North Dakota, the defendant(s) violated:

Code Section

18 USC 2252(a)(4)(B)

Offense Description

Certain Activities Relating to Material Involving the Sexual Exploitation of Minors

This criminal complaint is based on these facts:

See attached Affidavit of Michael Arel.

✓ Continued on the attached sheet.



Complainant's signature

Michael Arel, Special Agent, Homeland Security Invest.

Printed name and title

Sworn to before me and signed in my presence.

Date: 5/10/2011



Judge's signature

City and state: Grand Forks, ND

ALICE R. SENECHAL, U. S. Magistrate Judge

Printed name and title

AFFIDAVIT of MICHAEL AREL

Before the undersigned United States Magistrate Judge, Grand Forks, ND, the undersigned Complainant, being first duly sworn, states:

Count One

(18 U.S.C. 2252 (a)(4)(B) - Certain activities relating to material involving the sexual exploitation of minors)

Beginning on or about February 15th, 2011, in the State and Federal District of North Dakota, at Grand Forks, ND, Richard WALDO JR did knowingly possess one or more computer files containing visual depictions that had been mailed, shipped, and transported in interstate commerce, and which were produced using materials that have been shipped or transported in interstate commerce, by any means, including computer, the production of which visual depictions involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and which visual depictions were of such conduct;

In violation of Title 18, United States Code, Section 2252 ~~(a)~~ (4) (B).

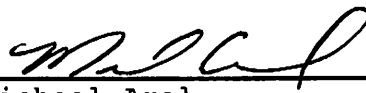
Complainant, as a Federal Agent of United States Immigration and Customs Enforcement, Department of Homeland Security Investigations (HSI), states the following as and for probable cause:

1. Your Affiant is a Special Agent of United States Immigration and Customs Enforcement, Homeland Security Investigations (HSI), currently assigned to the Resident Agent in Charge Office, Grand Forks, ND.
2. Your Affiant has had formal training in the investigation of various types of criminal activity, and assisted in the investigation of various types of criminal activity, including child exploitation.
3. This affidavit is based upon information obtained through investigation by your Affiant, as well as information provided by other law enforcement officers.
4. On February 2nd, 2011, North Dakota Bureau of Criminal Investigation (BCI) Special Agent Steve Harstad was conducting an online peer to peer (P2P) file sharing investigation attempting to locate individuals in North Dakota that were making files of suspected child pornography available for download. SA Harstad located a

computer operating from the Internet Protocol address of 216.196.85.31. SA Harstad was able to establish a direct connection with that computer, and obtained a file list from the shared folder of that computer. The file list contained five hundred fifty-one (551) files, of which one hundred thirty-nine files matched suspected files of child pornography that have been previously identified. This comparison was made using the hash value of the previously identified files to the hash values of those files in the shared folder of the computer operating from the IP address of 216.196.85.31.

5. SA Harstad downloaded six images directly from the suspect computer operating from the aforementioned IP address. All six videos appeared to SA Harstad to depict children engaged in sexual explicit conduct, including one file entitled, "Kids Teens Women (Porno-Lolitas-Preteens-Reelkiddymov-R@Ygold-Hussyfans-Underage-Girls-Children-Pedofilia-Pthc-Ptsc-Xxx-Sexy)47.jpg". This file depicts an adult male's penis being inserted into the vagina of a pre-pubescent female.
6. On February 7th, 2011, subscriber information for the IP address 216.196.85.31 on February 2nd, 2011, from Polar Communications. Polar Communications indicated the subscriber for that IP address on the date and time indicated was Richard WALDO, 6950 29th Street South, Grand Forks, ND.
7. On February 15th, 2011, SA Harstad applied for and was granted a North Dakota state search warrant for the residence located at 6950 29th Street South, Grand Forks, ND. Law enforcement from the BCI, Grand Forks County Sheriff's Office, and HSI participated in the execution of the search warrant.
8. During the execution of the search warrant, an on site forensic preview was conducted by a BCI computer forensic agent. That preview identified multiple images that appeared to be child pornography located on the computer belonging to Richard WALDO JR. That computer, along with other items, were seized pursuant to the search warrant.
9. During the course of the search warrant BCI SA Harstad and your Affiant interviewed WALDO JR. During the course of the post Miranda interview, WALDO JR admitted to using the peer to peer file sharing programs Limewire and Frostwire. WALDO JR stated he had an addiction to pornography, and further stated, "I screwed up looking at the wrong shit". WALDO JR stated he wouldn't delete images of child pornography from his computer after he had downloaded them, and also admitted to going back and looking at them later.

10. Between February 16th, 2011, and March 7th, 2011, BCI SA Jesse Smith conducted a forensic examination of the items seized from WALDO JR during the search warrant. SA Smith identified hundreds of images and videos that appear to be children engaged in sexually explicit conduct, including one video entitled, "(PTHC 7yo sex in serial(Hussyfan R@ygold]6yo girl fucked and cummed on)". This video depicts a pre-pubescent female being vaginally penetrated by an adult male.


Michael Arel
Special Agent
U.S. Immigration and
Customs Enforcement
(HSI)

SUBSCRIBED and SWORN to me
On this 17th day of May 2011.


ALICE R. SENECHAL
United States Magistrate Judge